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THE 2005 MONTANA LEGISLATIVE SESSION “LOCAL GOVERNMENT DAY”

On Friday, **January 21**, MACo and the Montana League of Cities and Towns are sponsoring “Local Government Day”. The aim is to inform and to develop connections with legislators. All county elected officials are invited to attend.

The opening sessions will be held in the Scott Hart Building Auditorium at 303 North Roberts (across the street from the Capitol).

10:00 Governor Brian Schweitzer

10:30 President of the Senate
Jon Tester
Senate District 15
Big Sandy / Chouteau County



11:00 Speaker of the House
Gary Matthews
House District 40
Miles City, Custer County



**11:30 Senate
Local Government Committee**
Jeff Mangan, Chair
Senate District 12
Great Falls / Cascade County



**House of Representatives
Local Government Committee**

Chair is yet to be announced,
due to reorganization of
Democrat leadership.

**1:00 House of Representatives
and Senate Floor Sessions**

**3:00 Legislative Committee
Hearings**

LEGISLATIVE CONTACTS

Legislation, Bills, Drafts
<http://laws.leg.state.mt.us>

Legislative Information 444-4800

To Leave Messages 444-4800
or go to <http://leg.state.mt.us/css/sessions/59th/legwebmessage.asp>

House FAX 444-4825

Senate FAX 444-4875



**PLEASE LET MACo KNOW THE
NAME OF YOUR 2005
COUNTY COMMISSION CHAIR.**

Scholarships to attend Risk Management Conference

The Public Entity Risk Institute (PERI) Small Entity Scholarship assists 60 employees and/or officials from smaller public entities to attend the Public Risk Management Association (PRIMA) Annual Conference. The 2005 PRIMA Annual Conference will be June 5-8 in Milwaukee, WI.

An applicant must be from a county with population under 100,000, must not have attended a PRIMA conference in recent years, must have responsibility for an area of risk management and must submit (by mail or by email) a one-page application no later than February 18. Each scholarship grants \$1,000 to cover most costs for attending the PRIMA Conference, a discounted registration fee and a six-month membership in PRIMA.

The application form is found on PERI's website (www.riskinstitute.org) under "What's New" or it can be requested by phoning 703-352-1846.

In 2004, the scholarships were given to recipients in 27 different states.

IN MEMORIAM

Tom Hensley, Broadwater County Commissioner (1977-89 and 1995-01), died in December. Hensley, 77, developed the first irrigation well in Broadwater County in the early 1950's. He is survived by his wife, Elaine, five children and their extended families.

MARK YOUR CALENDAR

January 3	59th Legislative session begins
January 11	JPA "Cash" meeting; MACo; noon
January 13	Last day to request general legislation
January 17-19	MACo Loss Control Conference
January 18	JPA / JPIA Trustee Dinner Meeting
January 21	Last day to request revenue bills

UPCOMING EVENTS

February 14-18	MACo Midwinter Conference; Helena
February 23	Transmittal of general legislation
March 2-4	County School Superintendents; Helena
March 4-8	NACo Legislative Conference; Wash. DC
March 29- April 1	MACRS Conference; Billings
April 7	JPA Trustee Meeting
April 8	JPIA Trustee Meeting-Renewals
April 23	Last day of legislative session

2005 TRAVEL RATES LODGING DETAILS

1-0340.25 IN-STATE TRAVEL - LODGING REIMBURSEMENT RATES AT ACTUAL COST SUBJECT TO FEDERAL PER DIEM CAP

Except as provided for in section 1-0340.30, you are eligible to be reimbursed your actual out-of-pocket lodging expenses, **not to exceed the federal per diem room rate (\$60) for the location involved**, plus the taxes on the allowable cost, for any location in Montana. Details of the federal per diem room rates for Montana are available on the MACo website at

<http://maco.cog.mt.us>

Resources Button

Travel Reimbursement Rates

SPECIAL RATES

<u>COUNTY</u>	<u>CITY</u>	<u>RATE</u>
FLATHEAD (June 1-Sept. 30)	KALISPELL	\$83
LAKE (June 1-Sept. 30)	POLSON	\$83
GALLATIN	BIG SKY (all year)	\$125
	WEST YELLOWSTONE (June 1-Sept. 30)	\$92
BUTTE-SILVER BOW (All year)	BUTTE	\$63
MISSOULA (May 1-Oct. 31)	MISSOULA	\$77

MACO-DES MIDWINTER CONFERENCE
TENTATIVE AGENDA--Tuesday, February 15 through Friday, February 18
at HELENA'S RED LION COLONIAL HOTEL

MIDWINTER CONFERENCE INFORMATION HAS BEEN E-MAILED TO ALL COUNTY COMMISSION OFFICES AND TO INDIVIDUAL COMMISSIONERS. A MORE COMPLETE SCHEDULE AND THE REGISTRATION FORM ARE ALSO AVAILABLE ON THE MACo WEBSITE AT
<http://maco.cog.mt.us>

TUESDAY, FEBRUARY 15, 2005
COMMISSIONER CERTIFICATION--PHASE II

8:00 a.m.-5:00 p.m.	Registration
9:00 a.m.- noon	Course 201 "Building the County Budget"
Noon-1:00 p.m.	Lunch
1:00-3:00 p.m.	Course 202 "County Taxation"
3:00-3:30 p.m.	Break
3:30-4:30 p.m.	Course 203 "Managing County Finances"
5:00-6:30 p.m.	MACo / DES / DPHHS Social

WEDNESDAY, FEBRUARY 16, 2005
DISASTER & EMERGENCY SERVICES (DES) DAY

7:30 a.m.-5:00 p.m.	Registration
8:00 – 9:00 a.m.	Introduction Ceremony
9:00 –10:00 a.m.	"State of the State" Dan McGowan, Administrator
10:30 – noon	Inter-operable Communications: Panel Discussion
Noon – 1:30 p.m.	Governor's Luncheon
1:30 – 2:30 p.m.	Speaker from US Department of Homeland Security
2:30 – 3:00 p.m.	Break
3:00 – 5:00 p.m.	Leadership and Legal Issues During a Crisis
5:00-7:00 p.m.	Commissioner Reception at the Governor's Mansion
7:30 p.m.	MACo Board of Directors Dinner Meeting

THURSDAY, FEBRUARY 17, 2005

MACo and LEGISLATURE DAY

7:30 a.m.-5:00 p.m.	Registration
7:00-8:00 a.m.	JPA Trustees Breakfast
7:00-8:30 a.m.	Reservation Counties
8:30-9:30 a.m.	General Session
9:30-10:00 a.m.	Break
10:00-11:00 a.m.	General Session
11:00 a.m.	Buses to the Capitol
11:30 a.m.-1:00 p.m.	Lunch with Legislators
1:00-3:00 p.m.	House/Senate Floor Session
3:00-5:00 p.m.	Committee Hearings
5:00 p.m.	Return to the Colonial Hotel
5:30 p.m.	Urban Counties
5:30 p.m.	Hard Rock Mining Counties
5:30 p.m.	Oil, Gas and Coal Counties
5:30 p.m.	Coalition of Forest Counties
5:30 p.m.	Fort Peck Lake Group
6:00 p.m.	JPIA/JPA Trustees Dinner

FRIDAY, FEBRUARY 18, 2005
STATE DEPARTMENT DIRECTORS

8:30-9:00 a.m.	Public Health & Human Services
9:00-9:30 a.m.	Revenue
9:30-10:00 a.m.	Break
10:00-10:30 a.m.	Governor's Budget Office
10:30-11:00 a.m.	Department of Commerce
11:00-11:30 a.m.	Environmental Quality
11:30 a.m.- Noon	Natural Resources & Conservation

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MACo BOARD OF DIRECTORS

Selections from Minutes of 12/06/04 Meeting

Certification Overview: Gordon Morris, MACo Executive Director, reported on the curriculum for the commissioner orientation and certification. He distributed a revised certification overview. The introductory session "County Government Structure and Authority" was reduced to 12 hours and the "Elective" segment was increased to 6 hours. He reported that 81 elected officials had registered for the workshop with 51 officials opting for the certification track.

Executive Session: President Bill Kennedy moved to Executive Session for purposes of discussing the "Time Frame Analysis", the Job Descriptions for the MACo Executive Director and the Assistant Director, and the actions of the Board and the Executive Committee involving these positions.

Other Business:

Legislative Session: Executive Director Morris provided the Board with status report on MACo resolutions and bills that are in drafting as of December 3. The Board was provided with an updated "Legislative Talking Points" of issues important to MACo to be used in conversations with legislators.

County Attorney Salary

Morris updated the Board on the efforts of the Justice and Public Safety Committee to work on the County Attorney Salary proposal. (The Committee met on the 15th of December to finalize the proposal.)

Current considerations pegged the salary at 85% of the District Court Judicial salary rather than 90% as previously proposed. At the same time, the appropriation that would be requested in any proposal would increase state funding from the current level of \$1,743,305 to \$2,155,209. The money as proposed would come through the county entitlement program.

Board member Richard Dunbar questioned why the Committee was even going in this direction based upon the reaction at the September conference, which he characterized as general opposition. He noted that the benefits provided were not a consideration in reference to overall salary.

Board member Carl Seilstad noted that his district counties appeared to be losers in terms of the increased costs that they would incur under the proposal as currently presented.

President Kennedy commented that he was totally opposed to the concept of opening up the entitlement for purposes of getting the money to counties. He stated that this would establish a precedent that might lead to the legislature looking at this as an available revenue source.

Board member Leo Gallagher, representing the County Attorneys, drew attention to the comparison of "county costs of doing nothing" to "county costs under the proposal." He added that the concept is to establish a salary base and then leave future adjustments to commissioners and salary committees.

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NEW OFFICIALS ORIENTATION and COMMISSIONER CERTIFICATION

79 county officials attended the December workshop presented in Helena. The sessions included orientation for newly elected officials and the first of five in a series for commissioner certification. MACo and MSU's Local Government Center sponsored the training.



The courses offered during the two days included:

- Course 101 Legal basis for county government and the responsibilities of elected officials
- Course 103 Government Code of Ethics
- Course 104 County Functions and Services
- Course 105 Local Government Law
- Course 106 Legislative Process
- Course 107 MACo--it's services and staff



- Course 302 Human Resource Management
- Course 501 Conducting Lawful Meetings
- Course 504.2 Functions of County Offices

State and county officials from across the state not only took the courses, but also participated in the presentations. Highlights included special speakers and a panel of county officials representing a variety of county offices.



COUNTY ELECTED OFFICIALS PANEL
(L-R) Leo Gallagher, Lewis & Clark County Attorney
Joan Miles, Lewis & Clark County Health Department
Doris Fisher, Madison County Planning Department
Nancy Sweeney, Lewis & Clark County Clerk of Court
Karla Christensen, Garfield Co. School Superintendent
Jess Anderson, Cascade County Treasurer
Cheryl Liedle, Lewis & Clark County Sheriff
Paulette DeHart, Lewis & Clark County Clerk & Recorder
Jack Knorr, Stillwater County Road Superintendent

Featured speakers included Governor-elect Brian Schweitzer, Dr. Douglas Steele, Vice Provost and Director of Extension Service and Montana Attorney General Mike McGrath.

Other county officials who presented in different sessions were Steve Johnson, Missoula County Human Resources Director; Helena Mayor Jim Smith & Kathy McGowan from the Sheriffs and Peace Officers Association and MACo staff and officers.

The second of five in the Commissioner Certification series will be presented at the Mid-winter Conference on Tuesday, February 15. The three sessions will be:

- Course 201 Building the County Budget
- Course 202 County Taxation
- Course 203 Managing County Finances

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2004 - 2005 ELECTED OFFICIALS SALARY INCREASES

COUNTY CLASS	COUNTY	2004-2005 COLA 2.3%
1A	CASCADE	2.3%
1A	FLATHEAD	12%
1A	GALLATIN	2% + 9% longevity
1A	LEWIS and CLARK	4.6%
1A	MISSOULA	3% average
1A	RAVALLI	8.25%
1A	YELLOWSTONE	2.3% + 1% longev.
1B	BIG HORN	2.3%
1B	BUTTE-SILVER BOW	3%
1B	FALLON	70¢ / hr.
1B	LAKE	2.3%
1B	RICHLAND	2.3%
1B	ROSEBUD	4%

CLASS THREE

3	CHOUTEAU	4%
3	DAWSON	5.8%
3	FERGUS	2.3%
3	GLACIER	2.3%
3	JEFFERSON	0 + 1% longevity
3	TOOLE	1%

CLASS FIVE

5	ANACONDA-DEER LODGE	3%
5	BROADWATER	2.3%
5	CARTER	3%
5	GRANITE	2.3%
5	JUDITH BASIN	2.3%
5	LIBERTY	4% + 1% longevity
5	POWELL	2.3% + \$100 long.
5	SWEET GRASS	2.3%
5	WHEATLAND	2%
5	WIBAUX	2.5%

COUNTY CLASS	COUNTY	2004-2005 COLA 2.3%
<u>CLASS TWO</u>		
2	BLAINE	\$1,500
2	CARBON	3.5% + 1% longev.
2	HILL	2.3%
2	LINCOLN	2.3%
2	MADISON	\$110 / mo.
2	PARK	2.3% + 1% longev.
2	PHILLIPS	3%
2	ROOSEVELT	5.64%
2	SANDERS	2.3%
2	SHERIDAN	3%
2	STILLWATER	2.3% + 1% longev.
2	VALLEY	\$1 each (0%)

CLASS FOUR

4	BEAVERHEAD	3.1%
4	CUSTER	3%
4	PONDERA	5%
4	TETON	5%

CLASS SIX

6	DANIELS	5%
6	GARFIELD	5%
6	GOLDEN VALLEY	0 + \$39 for insuran.
6	McCONE	10%
6	MEAGHER	2.3%
6	MINERAL	3%
6	MUSSELSHELL	2.3% + 20¢ hr.
6	POWDER RIVER	2.3%

CLASS SEVEN

7	PETROLEUM	2.3%
7	PRAIRIE	3.3%
7	TREASURE	2.3%

COUNTY NEWS

COUNTY OFFICIALS

ROSEBUD COUNTY Commissioner Gary Fjelstad was appointed to complete the 2002-2005 JPIA Board of Trustees term vacated when Chair Vern Petersen, Fergus County, left county office.

FLATHEAD COUNTY will welcome a new Chief Administrative Officer, Michael Pence, who begins his duties February 22. Pence has 29 years of government management experience in Iowa, Washington and Wyoming.

FLATHEAD COUNTY new Justice of Peace (half-time) is Dale Trigg, who was appointed to serve in the new position until next general election in 2006.

WIBAUX COUNTY Sheriff is Darby (Shane) Harrington, who was appointed following George Zorzakis' resignation.

WHEATLAND COUNTY Sheriff Steve Riveland resigned and James Rosenberg was appointed to the position.

MUSSELSHELL COUNTY Sheriff is Woodrow (Woody) Weitzel. He was appointed to fill the vacancy following a successful recall vote of the previous sheriff.

SANDERS COUNTY Commissioner Hank Laws had a shunt inserted to relieve pressure on his brain following a ruptured blood vessel. He is back in the office intermittently and continues rehabilitation efforts.

LEWIS and CLARK COUNTY Commissioner Anita Varone has successfully recovered from colon removal and severe intestinal infection. She is back at work full-time after a six month recuperation.

DAWSON COUNTY Commissioner Bill LaBree had double by-pass heart surgery on December 7. He is recuperating quickly at home.

PONDERA COUNTY former County Commissioner Dale Sheldon's wife, Agnes, passed away on Christmas Eve. Agnes was Dale's constant companion to assist him with his vision disability. Dale's address is 202 South Alaska, Conrad, MT 59425

PLANNING and ECONOMIC DEVELOPMENT

PHILLIPS COUNTY is participating in a northern tier project which will link law enforcement agencies along the US - Canadian border with radio communications from North Dakota to Idaho.

GALLATIN COUNTY agreed to financially participate in a study to build a valley-wide sewer treatment system that would centralize all wastewater which would be used to generate electricity.

ANACONDA-DEER LODGE and GRANITE COUNTY planning offices formed a one-year partnership for better subdivision reviews.

FINES

GALLATIN COUNTY levied its first zoning fine for \$10,000 against a developer who left a construction trailer on land which had no construction permits. The developer was given several warnings before the fine was levied.

VALLEY COUNTY negotiated a \$14,000 reduction in an EPA fine for fuel tanks in county maintenance yards. The County has two years to pay the \$8,000 balance, with no interest on the unpaid amount.

POWELL COUNTY will prosecute people who are not members of the county refuse districts and who are dumping "white goods" in the county disposal sites. The number of dumped white goods has nearly doubled in the last ten years. Such illegal dumping is a misdemeanor with a \$1,000 fine or six weeks incarceration.

MISCELLANEOUS

FALLON COUNTY discussed the need to dispose of old Civil Defense rations stored in various fallout shelters in the community.

GRANITE COUNTY filed for change in three long-time water rights. The original rights were granted for power generation. The County asks approval of water use from Georgetown Lake and Flint Creek for water marketing (sale) storage, fish/wildlife and recreation.

BEAVERHEAD AND MADISON COUNTIES propose a 150' setback for any new development on the Big Hole River. The two counties are part of a four-county effort to protect the river.

Your cell phone number will be available to telemarketing solicitors. If you don't want such calls, you can register your cell phone number with the FCC National Do Not Call Registry. Call for free registration at 1-888-382-1222. If telemarketers continue to call, you can file a complaint to take action to stop those calls.

QUARTERLY SALE OF OIL AND GAS LEASES

The quarterly oil and gas lease sale conducted by the Montana Department of Natural Resources and Conservation (DNRC) is scheduled for March 1, 2005 in Helena. The March sale includes tracts in **Big Horn, Blaine, Daniels, Gallatin, Hill, Lewis and Clark, Liberty, Meagher, Park, Phillips, Pondera, Richland, Roosevelt, Sheridan, Sweet Grass and Toole counties.**

The only action proposed at this time is issuing leases for possible future exploration and production. Before any activity occurs, DNRC will prepare an environmental review. The state Board of Oil and Gas must also review and issue a permit before any activity can occur.

A map and a detailed list of tracts is available at <http://www.dnrc.mt.gov/trust/mmbog.htm> or from Monte Mason at (406) 444-2074.

Montana Funding Emergency Food & Shelter

The Emergency Food and Shelter Program funds are used to supplement food, shelter, rent, mortgage, and utility assistance programs for people with non-disaster related emergencies.

Big Horn County	\$12,630
Butte-Silver Bow County	\$15,923
Cascade County	\$30,755
Fergus County	\$5,741
Flathead County	\$51,930
Gallatin County	\$24,713
Glacier County	\$12,404
Hill County	\$6,814
Lake County	\$14,361
Lewis and Clark County	\$20,347
Lincoln County	\$18,540
Missoula County	\$41,239
Park County	\$8,018
Ravalli County	\$19,725
Roosevelt County	\$6,381
Sanders County	\$6,795
Yellowstone County	\$49,747
State Set-Aside	\$40,983
Montana Total	\$387,046

Montana and Confederated Salish & Kootenai Tribes Draft Groundwater Agreement

The State of Montana and the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation released the preliminary draft of an Interim Agreement for licensing specific new groundwater uses within the exterior boundaries of the Flathead Indian Reservation.

The State and the Tribes will schedule a meeting on the Reservation in early 2005 to take public comment. In addition, the State and the Tribes will schedule a series of open houses at sites on the Reservation to visit informally with interested members of the public about this preliminary draft agreement. The schedule of open houses and the public meeting time and date will be posted on the Reserved Water Rights Compact Commission website:

<http://www.dnrc.state.mt.us/rwrcc/index.htm>.

Written comments regarding the preliminary draft agreement will be accepted until January 31, 2005 at RWRCC, P.O. Box 201601, Helena, MT 59620-1601.

The preliminary draft Interim Agreement:

- Authorizes the licensing of new on-Reservation groundwater uses by Indians and non-Indians alike for domestic, community and municipal needs
- Establishes a joint body for the issuance of those licenses
- Provides for the transferability of the licenses in connection with a transfer of the underlying land and
- Provides for mutual data exchange between the tribal and state water regulatory bodies.

The preliminary draft Interim Agreement is available from the Montana Reserved Water Rights Compact Commission at

<http://www.dnrc.state.mt.us/rwrcc/index.htm>

or 444-6841 or by contacting the Tribal Natural Resources Office of Water Administration, Polson, Montana, phone 883-2888.

RECYCLING IN MONTANA

Part One of three continuing parts

NOTE: The data was gathered and compiled by an intern, Matt Elsaesser, who recently graduated from Carroll College and wrote his thesis on recycling. The report was written by Jeff Blend, Economist, PhD, DEQ.

Like other states, Montana's recycling sector is diverse and significant. The types of companies in Montana that are involved in recycling are:

- § City/County transfer stations
- § Recycling haulers and collectors
- § Retailers of recycled materials and products made of recycled materials
- § Manufacturers of recycled materials
- § Recycling processors
- § Producers / sellers of organic compost.

There are a significant number of recycling collection centers in Montana, and often more than one in the larger towns.

Headwaters Recycling Co-op operates the largest number of collection centers in the state. The Headwaters Recycling Co-op is an interlocking government agreement between 13 counties. Their centers are located mostly in central, southern and southwestern Montana. Pacific Steel and Recycling also operates several other large recycling facilities.

Materials recycled at the various collection centers throughout Montana include newspaper, office paper, magazines, aluminum cans, steel cans, metals, glass, plastic, motor oil, clothing and cardboard. Not every center recycles all of these materials.

Establishments that currently sell recycled and re-used goods in Montana are diverse. Montana companies sell clothing made from recovered cotton, used car parts restored from previous vehicles, insulation made out of post-consumer products, re-tread truck tires, and re-used building materials from flooring to roofing. Three Montana companies sell Plum Creek Lumber Company's medium density fiberboard made from the sawdust and shavings produced in lumber and plywood operations. Also, the Montana Chamber of Commerce and Montana State University Extension Service sponsor the Montana Material Exchange, which helps businesses find buyers for surplus materials and helps individuals or businesses locate these materials.

Several companies in Montana sell compost, which is made from yard and wood wastes. Other companies in Montana offer flooring tiles made from 100 percent recycled material, carpet and padding made from recycled materials, salvaged wood flooring,

recycled paper at food stores, and cardboard with recycled content. Numerous companies sell plastic lumber and plastic/wood composite lumber. Other Montana companies sell toner cartridges that can be remanufactured after use, recycled office supplies, duffel bags, CD cases, binders, photo albums, toothbrushes, and trash bags. (*2003-2004 Montana Guide for Buying Recycled Products, Montana Department of Environmental Quality*).

Montana State government purchases and uses recycled products. All of state government letter-head paper contains 25% post-consumer content. About 89% of Montana state government agencies use copy paper with some recycled content. About 1/3 of the envelopes used by state agencies contain 30% post-consumer content. All coarse paper products sold through the Department of Administration Central Stores contain from 10 to 40 percent post-consumer content. The Montana Department of Transportation purchased 1.5 million pounds of reflective beads for pavement striping in Fiscal Year 1999 which were manufactured from plate glass cuttings. Remanufactured toner cartridges and trash bags with 50% post-consumer content material were also sold by the Montana Department of Administration to state agencies.

The state program for state agencies, "3R's in State Government", recycled 2,080 tons of paper from 1996-2003. More than half of that, over 1,300 tons, was office paper. Other types of paper recycled by state government include newspaper, cardboard and computer paper. In 2003 alone, 3R's recycled about 340 tons of paper. (*2003 Montana Department of Administration Recycling Report*).

(to be continued in February 2005 MACo News)



The National Association of Counties (NACo), in partnership with Nationwide Retirement Solutions (NRS) and state associations of counties, provides county employees with a Section 457 Deferred Compensation Program.

Since its inception in 1980, NACo's 457 Deferred Compensation Program has grown to become the largest supplemental retirement income program available to county employees. NACo's Program assets exceed \$6.0 billion.

WHOSE SIDE ARE YOU ON ANYWAY?

By Lynette McHenry, Claims Manager and Civil Attorney
Idaho Association of Counties Risk Management Program

As counsel to a public entity, it can be very difficult for the attorney who gives advice to her client, the public entity, to explain to the various elected officials that she is not “taking sides.” In fact, it is probably the most difficult tightrope that the attorney must walk. On the one hand, she is trying to protect her client, the public entity, while, at the same time, trying to assist the various members that make up the governing bodies and all the other elected officials and employees.

Oftentimes, the legal advice that is given may seem to add credit to one elected official's wishes over those of the others. The dreaded words, “Well, the attorney said...” seem to give credence to what that person is ultimately trying to accomplish. In fact, the attorney is attempting to stay neutral, while at the same time trying to protect the governmental entity as a whole.

It is not the attorney's place to side with one elected official over another on a particular issue. The attorney is not there to act as a “fourth” commissioner. It is, however, the attorney's place to make sure that the “client” is protected in the event of possible litigation over the legalities of the anticipated act by the officials. Even if some of the elected members are trying to do something that the attorney has a differing personal opinion about, the attorney realizes that if it is going to be done (and it usually will be done with or without their advice), it should be done correctly to limit liability to the governmental entity. Remember, it won't be the present elected official who ultimately pays the price, it will be the county or district who pays, and usu-

ally that will be long after the officials are no longer in office.

So, who is the “client”? Attorney behavior is governed by rules of professional conduct. For example, in Idaho, Rule 1.13 specifically states that “a lawyer employed or retained by an organization **represents the organization** acting through its duly authorized constituents.” The term “constituents” means those people who make up the governing bodies of the “organization,” not the voting public. Therefore, the attorney is not representing the individual interests of the elected officials. The attorney is watching out for the county or district as a whole. Attorneys in the private sector get to withdraw from representation when things go bad, but the elected prosecutor or the appointed attorney do not have that luxury. They are faced with the possibility of resigning from their positions if faced with situations where, in spite of their best efforts, they cannot convince the officials that their actions are detrimental to the governmental entity as a whole. Yes, that's right, they are faced with losing their jobs.

Many elected officials think that if the governing board disagrees about an issue, then they need separate attorneys because they perceive this to be a conflict of interest issue. This is where we want to reiterate that the attorney represents the entity. He should give legal advice to the governing body as a whole about what they legally can or cannot do on behalf of the entity. The attorney's job is to explain the law to the Board or Council. The Board or Council members don't get to have separate attorneys just because they don't see eye to eye on an issue. After all, they were all voted into office to do their best efforts for the entity as a whole.

Remember, it is very frustrating to the attorney when she is trying to do a good job in representing the “client” and then is accused of favoring one official over another, because the advice she gives is not what one or more of the officials want to hear. The attorney's role is not to give the advice that is wanted, but to give the advice that is needed.

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NACo INFORMATION



2005 ACHIEVEMENT AWARD PROGRAM



Applications are available for the 2005 Achievement Awards, a non-competitive awards program which seeks to recognize innovative county government programs initiated by county governments and personnel.

Who is eligible to submit applications?

County governments and state associations of counties are eligible to apply. There is no limit to the number of applications one can submit.

What are the criteria?

Applications are judged solely against the criteria standards, which are listed in the applications.

Where can I get an application?

Applications are available by mail or on the NACo Web site, at www.naco.org. Contact 202-661-8834 or jhansen@naco.org to receive an application by mail.

What do I win?

Winning applications receive a certificate and national recognition in our Model County Programs Database. They are also eligible to receive a Best of Category plaque and be highlighted in County News. All winners are invited to attend our awards ceremony at our Annual Conference, to be held next summer in Honolulu, Hawaii.

Entries must be postmarked by February 11, 2005.

If you have any questions about the application process or would like additional application forms, please call Joseph Hansen, at 202-661-8834 or e-mail at jhansen@naco.org, or fax your inquiry to the NACo Research Division at 202-737-0480.

Grants For Wetland Habitat Restoration Projects

NACo and the Five Star Restoration Challenge Grant Program are accepting applications for the 2005 Five Star Restoration Challenge Grants. The Five Star Program provides modest financial assistance on a competitive basis to support community-based wetland, riparian restoration projects that build diverse partnerships and foster local natural resource stewardship through education, outreach and training activities. Project sites can be public land, such as parks or streams, or private land, such as corporate facilities.

In 2004, 50 projects out of approximately 180 applicants received grants averaging \$10,000. Entities that receive funding and assistance through the Five Star Program are: county and city governments, non-profits, schools and school districts, and local environmental groups. "Five Star" participants offer cash and in-kind services necessary to complete the restoration project including:

- ♦ Local or tribal governments (e.g., boards of county commissioners, departments of planning or parks and recreation)

- ♦ Schools or youth organizations (e.g., state or local youth conservation corps, county job training programs)
- ♦ Local businesses or corporations
- ♦ Conservation organizations or local citizens groups
- ♦ State and federal resource management agencies
- ♦ Foundations or other fund sources

Begun in 1997, The Five Star Restoration Challenge Grant Program is a partnership between NACo, the National Fish and Wildlife Foundation, the Wildlife Habitat Council, and made possible with support from the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration. The deadline for applications is **March 1, 2005**.

For more information on the Five Star Restoration Challenge Grant Program, how to apply, and examples of past Five Star projects, visit www.naco.org and click under technical assistance, or contact Jason Shedlock at 202/942-4252 or jshedloc@naco.org.

FOR SALE

Moore 1200 Low Volume Forms Separator / De-collator



Dimensions Width: 28"; Length: 42"; Height: 47"
Speed Variable 70 to 300 fpm
Power 115 VAC, 60 Hz
Paper Weight 11-1/2 lbs. to 125 lbs.
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Contact: Norm Calvert, Director
Flathead County Computer Services
ncalvert@co.flathead.mt.us (406) 758-5564

FLATHEAD COUNTY PLANNING POSITIONS

PLANNING AND ZONING DIRECTOR

Applicant must possess at least a Bachelor's Degree in County and/or City planning and seven years experience with three years in a supervisory capacity. This is a contract position at \$50,000 a year. Full job description is available at

www.co.flathead.mt.us

Submit letter of interest, resume, and completed County employment application to Flathead Job Service Workforce Center, 427 1st Avenue East, Kalispell, MT 59901 before 5:00 p.m. Friday, **January 21, 2005**. EOE

PLANNING BOARD ASSISTANT

Flathead County Planning Board seeks a professional planner or consulting firm to provide direct assistance with preparation of a county-wide growth policy. This is a contracted position, with deadline for completion of the growth policy set for June 1, 2006.

Qualification statements are to be submitted to Flathead County Planning Board, 1035 First Avenue West, Kalispell, 59901 before 5:00 pm **January 14, 2005**. Individuals / firms chosen for more detailed submittals will be notified in writing.

MACo NEWS

Phone (406) 444-4380
Fax (406) 442-5238
Email: macopb@maco.cog.mt.us
ARTICLES ARE WELCOME

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